

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

MDL No. 2262 (NRB) (THK)

THIS DOCUMENT RELATES TO:

Master File No. 1:11-md-2262-NRB

ECF Case

ORAL ARGUMENT REQUESTED

MAYOR AND CITY COUNCIL OF
BALTIMORE, *et al.*,

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, *et al.*,
Defendants.

No. 11-cv-5450

EXCHANGE-BASED PLAINTIFF ACTION

No. 11-cv-2613

GELBOIM, *et al.*,

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, *et al.*,
Defendants.

No. 12-cv-1026

SCHWAB MONEY MARKET FUND, *et al.*,
Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et al.*,
Defendants.

No. 11-cv-6412

CHARLES SCHWAB BANK, N.A., *et al.*,
Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et al.*,
Defendants.

No. 11-cv-6411

SCHWAB SHORT-TERM BOND MARKET
FUND, *et al.*,
Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et al.*,
Defendants.

No. 11-cv-6409

DECLARATION OF HILARY K. SCHERRER

I, Hilary K. Scherrer, Esquire, declare as follows:

1. I am a partner in the law firm of Hausfeld LLP. The Court has appointed Hausfeld LLP as one of two Interim Co-Lead Counsel for the Over-the-Counter Plaintiffs in this case. I am submitting this Declaration in support of Plaintiffs' Joint Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs Antitrust Claims. I have personal knowledge of the information set forth in this Declaration.
2. Attached hereto as Exhibit 1 is a true and correct copy of the August 7, 2012 Robert Wise letter to the Court in the above-captioned matter.
3. Attached hereto as Exhibit 2 is a true and correct copy of the transcript from the August 8, 2012 hearing in the above-captioned matter.
4. Attached hereto as Exhibit 3 is a true and correct copy of: (i) the non-prosecution agreement dated June 26, 2012 (the "DOJ Non-Prosecution Agreement"), between and among the United States Department of Justice (the "DOJ") and Barclays Bank Plc and its parent, subsidiaries and affiliates (collectively, "Barclays"); and (ii) Appendix A to the DOJ Non-Prosecution Agreement, containing the Statement of Facts (the "DOJ SOF").
5. Attached hereto as Exhibit 4 is a true and correct copy of the June 27, 2012 Order Instituting Proceedings Pursuant to Sections 6(c) and 6(d) of the Commodity Exchange Act, As Amended, Making Findings and Imposing Remedial Sanctions issued by the Commodity Futures Trading Commission, relating to *In the Matter of: Barclays PLC, Barclays Bank PLC and Barclays Capital Inc.*
6. Attached hereto as Exhibit 5 is a true and correct copy of the June 27, 2012 Final Notice issued by the Financial Services Authority.

7. Attached hereto as Exhibit 6 is a true and correct copy of the U.S. Department of Justice Antitrust Division's Corporate Leniency Policy.

8. Attached hereto as Exhibit 7 is a true and correct copy of a transcript of the telephone conference between Barclays and Federal Reserve Bank of New York "NY Fed"), dated Oct. 24, 2008, produced by the NY Fed to Congress on or about July 13, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2012
Washington DC

HKScherrer
Hilary K. Scherrer

4834-8875-3168, v. 1